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12 Attorneys for Defendants PROVIDENT LIFE
AND ACCIDENT INSURANCE COMPANY
13 and UNUM GROUP

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 JONATHAN COHAN, M.D., formerly known
as Jonathan Baktari, M.D.,

17 Plaintiff,

18 v.

19 PROVIDENT LIFE AND ACCIDENT
20 INSURANCE CO., a foreign insurer, and
UNUM GROUP, a Delaware Corporation,
21 (d/b/a, inter alia, Provident Life and Accident
Insurance Company, The Paul Revere Life
22 Insurance Company, and Unum Life Insurance
Company),

23 Defendants.
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Case No. 2:13 CV 00975 LDG CWH

**DEFENDANTS' MOTION FOR LEAVE
TO FILE DOCUMENTS UNDER SEAL
AND [PROPOSED] ORDER RE UNUM'S
OPPOSITION TO MOTION FOR
PARTIAL SUMMARY JUDGMENT**

1 COME NOW defendants Provident Life and Accident Insurance Company and Unum
2 Group (collectively, “Unum”), by and through their attorneys of record, and hereby move the
3 Court for an order granting their Motion for Leave to File Document Under Seal pursuant to Local
4 Rule 10-5(b) and this Court’s January 30, 2014 order.

5 The document being filed under seal is **Exhibit C**, which are emails produced by plaintiff
6 in this litigation. Unum does not believe that these documents are confidential, but plaintiff has
7 instructed the company to file them under seal.

8 **Plaintiff Has the Burden of Demonstrating that Exhibit C Should Be Sealed**

9 The sole ground for this motion to seal is that plaintiff has designated Exhibit C as
10 confidential. Unum does not believe that Exhibit C meets the criteria for filing it under seal.
11 Accordingly, pursuant to this Court’s January 30, 2014 order (Dkt. No. 52), the burden now rests
12 with plaintiff to use affidavits and concrete examples to demonstrate specific harm that will result
13 if the confidential status of Exhibit C is not maintained. Specifically, plaintiff must show that (1)
14 the material derives independent value from generally not being known to others; (2) other persons
15 can obtain independent economic value from its use; and (3) the materials are subject to
16 reasonable efforts to maintain their secrecy. *Diamond State Ins. Co. v. Rebel Oil Co., Inc.*, 157
17 F.R.D. 691 (D. Nev. 1994).

18 If plaintiff makes the required showing concerning Exhibit C in a timely fashion, it should
19 be filed under seal. If, however, plaintiff fails to make a timely or satisfactory showing, the Court
20 should file Exhibit C in the public record.

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1 Dated: November 24, 2014

OLSON, CANNON, GORMLEY
ANGULO & STOBERSKI

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4 By /s/ Walter R. Cannon

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9 Dated: November 24, 2014

10 SHEPPARD MULLIN RICHTER & HAMPTON LLP

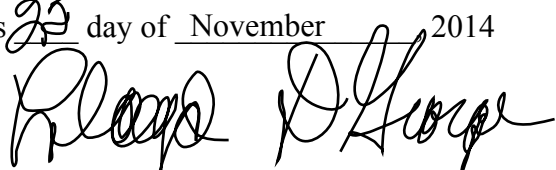
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13 By /s/ Theona Zhordania

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GROUP

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19 ORDER

20 IT IS SO ORDERED.

21 DATED this 25 day of November 2014

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LLOYD D. GEORGE

24 SR. U.S. DISTRICT JUDGE